

REASONS for not Proceeding a-

gainst Mr. WHISTON by the Court of De-
legates. In a Letter to the Reverend Dr. P. E. L.
Rector of St. Ann's Westminster.

The Second Edition. Given Gratis.

Reverend Sir,

BEFORE I come to give my Reasons against that Course
of Legal Prosecution which you have occasion'd against
Mr. Whiston, I must premise somewhat concerning the na-
ture of that Prosecution, the steps taken therein already,
in what forwardness it is, and how near to a final Deter-
mination by the Court of Delegates. The Reader therefore is to
know, that you, Sir, tho intirely unacquainted with Mr. Whiston, and
before you ever so much as desir'd any private Discourse with, or
gave any, either private or publick Admonition to him; did yet, the
last Winter, offer your self as a voluntary Promoter or Informer against
him, for the suppos'd Crime of Heresy: This was done before Dr.
Harward, Commissary of the Dean and Chapter's Court of St. Paul's,
within whose peculiar Jurisdiction it seems, Mr. Whiston's Habitation
was. Dr. Harward, upon Consideration of the Nature of the Cause, and
its legal Punishment; which is, at the very first, Degradation from
the Ministerial Function; declar'd, that because he was a Lay Man
himself, and had not his Commission from any Bishop, it was not in his
Power to degrade a Clergyman; and by Consequence it was not in his
Power to judg of the Crime of Heresy, whereto that Degradation be-
long'd. So Dr. Harward refus'd the Cause; but in such a manner,
that he sent it, by Petition, to the Dean of the Arches, Dr. Betteworth,
as the proper Superior Judg, to whom he suppos'd it must now
belong. But the Dean, upon hearing the Cause, gave it for his Opi-
on and Determination, that this matter not coming to him by Ap-
peal, his Causes ought to do in his Court, and the Cause it self having
been already taken under the Cognizance of the Convocation; nay,
and belonging properly to the Bishop of London's Jurisdiction: he could
not receive it in this first Instance, and so dismiss'd it. Upon this se-
cond Disappointment, after some Delay, you, Sir, procur'd the Lord
Chancellor to appoint a Court of Delegates, which is the last usual
effort in Causes of Appeal, to determine whether Dr. Betteworth had
deny'd Justice in this Cause, or not; without any direct regard far-
ther to Mr. Whiston himself, or his Cause.

The Delegates appointed, were, the Bishops of Winton, Bath and
Gloucester, Hereford, St. David's, and Chester; the Lord Chief Justice Trevor,
Justice Tracy, and Mr. Baron Price; Dr. Wood, Dr. Pinfold, Dr.
Take, Dr. Phipps, and Dr. Strahan. The Bishops and Civilians had
preliminary Hearings at the Doctor's Commons, ad informandum, as
the term is; and at last, July 10. the Judges met them at Serjeant's Inn,
and all heard the Cause pleaded at large, both by Civilians and Com-
mon Lawyers. Upon which they came to a final Determination and

Judgment, viz. That Dr. *Bettesworth* had given a false Sentence, that the Cause did lie before him, and that he ought to have proceeded therein: nay, what is most extraordinary, and was very surprizing to not a few skill'd in such matters; the Majority of the same Court agreed to retain the original Cause it self in the first Instance: tho under pretence, that it came incidentally before them, by way of Appeal. Accordingly they order'd a Citation for Mr. *Whiston* to appear before them the first Court-Day of the next Term, or Monday *October* 26. between Three and Five in the Afternoon, in the Hall of *Doffor's-Commons*. This Citation was deliver'd to him *October* 12. On the Day appointed, he came by Four; but the Court was then risen, and had declar'd him guilty of Contempt. Thus far by way of Preparation.

Now the Reasons I would humbly offer to your self, and the Publick, against going on any farther with Mr. *Whiston*, in this way of Prosecution, are these:

(1.) This Method of Prosecution seems plainly to be *Unfair*, and contrary to the common Rules of Justice and Equity. For 'tis apparent, that Mr. *Whiston* has been guilty of no real Crime in this matter. He is not only a Christian in general, but a Clergyman in particular. One, who by his very Office, is bound diligently to enquire after, and publickly to preach the true Word of God, the real Doctrines and Duties of the Gospel of Christ. One that accordingly appears to have us'd his utmost Diligence to understand and discover what those real Doctrines and Duties were; and that by having direct recourse to the Fountain-head it self, the sacred Scriptures, the antient Creeds, with all the Original and most Primitive Books of the Christian Religion. He thence collected the Texts and Testimonies relating to some of the most important Articles of Christianity: And when he was preparing that Collection for the Publick, he acquainted the Vice-Chancellor of the University where he then liv'd, and the Governors of the Church; particularly, the Bishop of his Diocese, and the Archbishops of both Provinces, as well as several other learned Men, with his Design; and fairly offer'd his Papers to their perusal, examination and correction. Hear how largely and movingly he represents the Fairness of his Proceedings, in one of his Papers (a).

' I shall conclude, says he, this small Paper with a melancholy Reflection on the sad State of Christianity, and of the Protestant Reformation among us; particularly with relation to those concerning Affairs I am so deeply engag'd in. I have Books and Doctrines which appear to be of the most Sacred Nature imaginable, to propose to the Christian World: Of no less Consequence than what do claim to be the Original Settlement of the Christian Church; and the most uncorrupt Faith once deliver'd to the Saints. I have labour'd in the most inoffensive way, to procure them a fair, an open, and a publick Examination. I have all along had the greatest regard to the Peace of the Church, to the Honour of the Clergy, and to all lawful Authority. And in my Letter to the Archbishop of Canterbury, have freely own'd any Rashness or Mismanagement in the Manner and Circumstances of my acting, and beg'd the Pardon of God and of all good Men for any Errors of that nature. I have freely de-

(a) Reply to Dr. *Allix*, p. 21. 22, 23, 24.

clar'd, that I have not endeavour'd to revive the *Heresy of Arim*, but only to recommend the most Antient Sacred Doctrines and Duties of Christianity. I am ready to examine all over again with any of the Learned; and to correct all Mistakes, and to retract all Errors that shall any way appear: even still, after that full Examination I have already made. I am farther, most willing and ready to do any thing that is not inconsistent with Truth, Sincerity, and a good Conscience, and with my Faithfulness to what I am fully convinc'd are the Truths of Christ Jesus, which by any just Authority shall be expected from me, or propos'd to me, in order to Peace and publick Satisfaction. I have waited a long time to see, if any of the Learned can give me any new Light, or can deny the Evidence that I have to publish. I have try'd all the proper Places for the Recommendation of the Examination of my Papers. I have spar'd no Pains, nor Cost, even beyond my own Abilities, to procure the best Collations and Translations, and to find out the best Records, for the most compleat Information of the Publick. I have procur'd all the Assistance I could, and earnestly desir'd of all the Learned, to join with me in the right stating these important Matters. I have, God is my Witness, done all this from a Principle of Honesty and Conscience; have earnestly implor'd the Divine Assistance and Blessing; have hazarded my self and my Family to considerable Inconveniences and Losses; have actually, yet patiently, suffer'd many Reproaches and Abuses, and a very hard Sentence of Banishment, from that University whereto I belong. Yet after all, from the Violence with which some in the Convocation seem to act against me, whom I have not the Honour to be well known to, and who therefore cannot easily be made sensible of all things in my Case, I am not without the Apprehension of a severe Sentence from the same Convocation; even before any fair Examination. I mean a Sentence of Excommunication: To be thereby, as far as is possible, cut off from the Visible Church of Christ; to be excluded all publick Christian Worship; and, as far as lies in Men, to be deliver'd over unto Satan; to be render'd however incapable of making a Will, or suing for a Debt; to be put into a State where I may be laid into a Goal, and there confin'd till I do what seems to me, according to the full Convictions I am at present under, very near renouncing Christianity it self. And all this I fear from my Brethren, sometimes from my Friends, from Fellow-Christians, Fellow-Clergymen, nay, Bishops of the Church: And all this at the same time that the Learned seem not willing to answer my Arguments; at least not before the Persecution of my Person. If this be agreeable to the meek and gentle Nature of the Gospel; to the main Foundations of the Reform'd Religion; to the Doctrine and Profession of the best Members of the Church of *England*, I own I have never rightly understood them; or can I indeed reconcile such Treatment with common Justice and Humanity. But if there be no Remedy, but I must be made a Sacrifice, I humbly beg of the Divine Majesty, that I may my self however always act as becomes a Christian: That I may run with patience the Race that is set before me; that I may, with Trust and Comfort, look unto Jesus the Author and Finisher of our Faith; who for

‘ the Joy that was set before him, endur’d the Cross, despising the Shame ;
 ‘ and is, after all his Sufferings, set down at the right Hand of the Throne,
 ‘ of God : And may consider him who endured such contradiction of Sinners a-
 ‘ gainst himself, lest I be weary, and faint in my Mind. Amen, Amen.’

So that I think ’tis almost impossible to suppose Mr. *Whiston* guilty of any Crime in this matter ; and by consequence, utterly absurd and unreasonable to inflict any Punishment on him on that account : which yet you, Sir, by bringing him before the Court of Delegates, are now aiming to do.

Besides, this Proceeding seems *Unfair* upon another Account ; I mean, because ’tis only gone upon after the really Learned and Judicious act as if they deserted the Cause of Orthodoxy, as not having ventur’d to have it openly and freely debated with Mr. *Whiston*, before the Convocation, or any Committee thereof ; or indeed in any free and publick Conference whatsoever, either at the Universities, or elsewhere ; as appears by his printed Accounts of those matters. Nay, even those very Men that publickly accuse, or preach against Mr. *Whiston*, are said, even when ever so calmly and friendly invited thereto, most solicitously to avoid any such free Conference or Debate also. Now after this, to prosecute him in a Court of Law, seems very strange and unaccountable. Had the Learned, either by Writing or Conference, once openly and clearly convicted him of Error, in the Judgment of the Impartial ; and satisfy’d the World that his Doctrines were false, and that he was peevish and obstinate, in supporting groundless Paradoxes, contrary to Reason, Scripture, and Antiquity, somewhat might be said to excuse this way of Prosecution : but till this is done, it will appear utterly unjustifiable ; nay indeed, it seems not only to be entirely *unfair*, but even *absurd* in you, to appeal to a Court of Law, to judg thus about a bare Matter of Fact ; such as Mr. *Whiston*’s Account of the original Christian Doctrines is : when it properly and singly belongs, in its own nature, to the Learned to examine, whether that Account be true or not. ’Tis just like appealing to a Vote of a Court, or of the Convocation, whether my Lord *Clarendon* be an exact Historian ; or whether Dean *Prideaux* has given a faithful Account of the Life of *Mahomet* or not : If Mr. *Whiston* had pretended to any new Doctrines, it might be voted, that the Church should not receive them ; but when he only asserts a Fact, which I hope is no Fault, that such were the Doctrines of the first Ages, it seems unfair and absurd to attempt it.

(2.) This Method, in prosecuting him before the Delegates, seems not only Unfair and Absurd, but utterly *Unchristian* also. ’Tis true there is so little of real genuine Christianity left among us, that one can hardly tell whether this will have much weight in the present Case. I well remember the remarkable Words of a great Historian of our own, concerning Cardinal *Wolfsey*, and his Method of moving Cardinal *Campegio* in King *Henry VIII*’s Case ; which I fear may be truly apply’d in this. ‘ *Wolfsey*, says the Historian (b), was so sincere
 ‘ that in a Letter he wrote to *Campegio*, that of a good Conscience being
 ‘ put among other Motives to persuade him, in the first Draught, th
 ‘ Cardinal struck it out ; as knowing how little it would signify.’ Ye

in hopes that there are still several of the highest Rank in the Church; that consider themselves as *Christian Bishops*, as well as *Peers of the Realm*, or *Lords of Parliament*: some of the establish'd *Clergy* that consider themselves as *Christian Ministers*, as well as *Officers of a Church establish'd by Law*; and several even of the Judges and Students in the Common and Civil Laws, that don't forget they have been baptiz'd into the Church of Christ, as well as intrusted with *Legal Powers by the State*, or the Church as part of the State; I venture to add this second, That this Procedure against Mr. Whiston, seems to be plainly *Unchristian*, since it is aiming to punish him for exactly obeying the Laws of Christianity. Those Laws oblige him, and every Clergyman especially, to search the Scriptures; to have recourse to the Law and the Testimony; to prove all things, and hold fast that which is good; to hold to the pure Gospel of Christ, as deliver'd at the first, not only tho a Church, a Synod, or a General Council, but even tho an Apostle, or an Angel from Heaven should bring any other Doctrine; nay, to preach Christ's true Religion, tho it be to Bonds and Death it self; to hate Father, and Mother, and Wife, and Children, and Brethren, and Sisters, and his own Life also: and this, as ever he hopes for the Rewards of a Disciple of Christ. And how earnestly he desires that true Primitive Christianity may obtain, hear from his own Words, in the beginning of his Enquiries into those Matters: 'And O, says (c) he, that I might live to see that happy Day here in Great Britain! when Publick Authority, Ecclesiastical and Secular, should depute a Committee of Learned, Impartial, and Pious Men, with this Commission, That they diligently, freely, and honestly examine her present Constitution in all its parts, and bring in an unbiass'd and unprejudic'd Account of her Defects and Aberrations, whether in Doctrine, Worship, or Discipline, of all sorts, from the Primitive Standards, in order to their effectual Correction and Reformation. Then would our Sign be indeed a Praise in the Earth; the Darling and Pattern of all the other Protestant Churches in the World: And by such an illustrious Precedent would effectually recommend the like Reformation to all the other Churches, and so become the Foundation and Center of their Unity, Love and Peace; and thereby most effectually hasten the coming of that glorious Day of God, when, according to our Lord's most sure Promise, and that of the Father also, We look for new Heavens and a new Earth; a new and better State of the Church here on Earth, wherein Righteousness will dwell, till it end in the glorious Millennium, the Kingdom of our Lord, advanc'd to its highest Perfection, and spread over the Face of the whole World, till the Consummation of all things.'

Who that observes that honest Spirit which appears in these and many other Passages, and observes the peaceable Method he professes to aim at all along, can think it other than *Unchristian*, to prosecute and punish him for the same; especially when it is so evidently against his worldly Interest, that 'tis hard to suppose any thing but Conscience and a Sense of Duty could influence him in this hazardous Undertaking?

Hear the words of a most noted Person, in a most noted Case, not

(c) *Sermons and Essays*, p. 80, 81.

wholly remote from that before us*. * How hard are our Circumstances, if we must be punish'd in this World for doing that, which if we do not, we shall be more heavily punish'd in the next! What a Condition are we in, if we are commanded to cry aloud, and spare not, to exhort, rebuke, in season and out of season, on the one hand; and prosecuted, imprison'd, ruin'd on the other! If this be our Case—
But to proceed.

(3.) Tis very doubtful, whether this Prosecution before the Delegates be *Legal* or not. For 'tis well known, that the Court of Delegates are only the last Resort by way of *Appeal*, from the Sentences of the inferior Spiritual Courts; and have nothing to do in original Causes. Nor does there, as I am inform'd, appear one Precedent in all the Records of such a Procedure herein;—it being evident, that Mr. *Whiston* was never so much as cited by any Spiritual Court before; and that he was not made a Party in the Appeal about Dr. *Bettesworth*, which the present Court of Delegates were appointed to determine. Nor indeed does it seem agreeable to the Rights and Liberties of *Englishmen*, that in any such Case the first Court should be final, and admit of no certain and regular Appeal therefrom: which yet must be the Case in this Court of Delegates, as to Mr. *Whiston*, if allow'd to proceed in the present Prosecution. Nay, indeed it will deserve to be consider'd, how far the Court of Delegates will herein differ from that High Commission Court, which is now wholly taken away by Law; on which occasion 'tis also Enacted, That no Court should be thenceforth erected with like Power, Jurisdiction, or Authority; but that Commissions erecting any such Courts should be void. If this Method of Proceeding be unprecedented and *illegal*, will it not concern every Subject of *Great Britain* to put a stop to it?

(4.) All such rigorous Prosecutions for the sake of Religion, seem to be quite contrary to the present Method of Proceedings in all other Cases relating thereto. Not the *Jews* only, but the several Sects of *Christians*, are by us either tolerated, or not disturb'd in their several Persuasions: The very *Deists* are not prosecuted; nay, one noted Person, who is hardly, that I can find, so much as suspected of believing the *Christian Religion*, is highly prefer'd in the Church: And as for the Prosecution of Vice, Immorality, and Debauchery, there are few such voluntary Promoters as you, Sir, are in this Case. Must then poor Mr. *Whiston* be singl'd out from the rest, and be alone made a Sacrifice, because he thinks he has been so successful to discover, and is certainly so honest as to profess, what upon Enquiry he takes for the true antient, and most primitive Doctrines of *Christianity*; Can the Church and State bear all sorts of suppos'd Sects and Heresies, but that which for certain has, of them all, the best Title to above Three intire Centuries? Must Liberty of Conscience be allow'd to all but those who have so fair a Plea to be the Followers of *Christ* and his Apostles? This is a very hard Case indeed, and well worthy the Consideration of every *Christian*, before he engages himself in such a Prosecution.

(5.) Such violent Methods of Proceeding must needs be a great Hindrance to Sacred Learning, or at least to any Advantage to the Pub

*Vid. *Eacheverell's Trial*, p. 342. l. ult.

lick therefrom. For if honest and inquisitive Men may not be allow'd to discover any thing contrary to the present Belief and Practice of the Church, when they read and examine the original Books of Christianity, it will be found safer to be Ignorant, or to conceal the Knowledge of them, than to know or disclose them; much safer for the Learned to divert their Studies, or to disguise their real Thoughts, and play the Hypocrite with God and Men, than to discover their Sentiments. This Consequence of Prosecution is so notorious, that it has now no small Effects in the Discouragement of Learning and Sincerity, not only in Popish, but in Protestant Countries also; where it is still not a little dangerous to examine too far, and speak too freely in Points settled by Legal Authority. Nor had the Christian World had the Benefit of the Labours of the Learned and Pious Dr. *Grabe* himself, who was almost forc'd to fly out of his own Country for his too plain Discoveries and Discourses there, had not this Nation prov'd a Refuge to him; and, without Enquiries, in order to any Prosecution, encourag'd him to recover the Original Remains of the first Ages, how little soever some of them suited the present Notions and Practices among us. And I dare say, if once the Terror of worldly Fear, Disgrace, Loss, and Prosecution were over, those that are capable, would soon discover not a few things to the publick Benefit of Christianity; which they now either dare not find, or dare not own they have found, for fear of such Disadvantages and Prosecutions, Nor would so many of our really great Men, divert themselves from the Study of Divine Matters, if they could be as safe there as elsewhere. Nor can this terrible Inconvenience be generally avoided, but by Encouraging free Enquiries after Truth, and laying aside all such Prosecutions on the Discovery and Declaration of it.

(6.) This Method of prosecuting Men for honestly Speaking or Writing what is the result of their Enquiries, is the known way of preventing all Reformation of what is amiss; and so is in all Protestant and Reformed Churches utterly unjustifiable. Let us suppose our first Reformers had been all prosecuted, and that such Prosecutions had deter'd them from any Examination, or at least from speaking or Writing what they found against the Novel Doctrines of Popery; which were then as much establish'd by Law, as any *Athanasian* Doctrines now can be: Where had the Protestant Reformation been at this day? Nay, let us suppose the same as to the Gospel it self, and its Doctrines; and that Christ and his Apostles had been discourag'd by the Jewish and Heathen Prosecutions against it, from Preaching it to the World: where had our very common Christianity been at this time? In reality, all Improvements for the better, whether in Philosophy or Divinity, must at first be made in opposition to the settled Philosophy and Divinity of those Times and Places wherein they are introduc'd. Nor, methinks, did the Papists proceed much more absurdly, in not examining, but prosecuting the famous *Galileo*, for his Assertion about the Motion of the Earth; which was then a notorious Heresy in Philosophy, and forcing him to recant it; than the Protestants in not examining, but prosecuting Mr. *Whiston* for his pretended Heretical Assertions now, and under the utmost Penalties the Law can inflict, to oblige him to recant the same. But however, as notwithstanding that foo-

lish Prosecution of *Galileo*, his Doctrine prevail'd by its own native Evidence, and the Observations that afterwards confirm'd it, and now the universal Belief of Astronomers; while the former Philosophick Orthodoxy is exploded for ever: so I believe will these Doctrines which are now discourag'd, prevail by their own original Evidence, and the farther Enquiries of the Learned, till the present Errors, which are unsupported by real Evidence, will gradually wear away, and disappear out of the Christian World.

(7.) This Method of Prosecution can have no good Effect, as to Mr. *Whiston* and his Soul's Health, which the Citation assures us, is the only Intention of the same: Nor can it tend at all to his Conviction. Mr. *Whiston* is one, who seems very unlikely to be influenc'd by such a Prosecution. He ever indeed professes himself ready to yield to real original Evidence, and to have drawn his present Notions from that alone. But he appears not to have the least Value for any modern Authorities, Opinions, or Votes, where he finds them contradictory to the other. And he is known to be so confident of his Sacred and Original Evidence in this Case, that he has frequently and publicly declar'd, that he would have burnt his Papers if the *Athanasians* could produce one tenth part of those Texts and Testimonies, in Three intire Centuries, for their Doctrines, that he has done, or is ready to do for his. Yet does he profess himself ready to re-examine, and review all over again with any of the Learned, and to amend all Mistakes, or correct all Errors that shall be discover'd thereby: ready to receive new Light in these or any other Matters, and to alter his Opinions and Practices thereupon. So that if the *Athanasians* have real Evidence on their side, and will produce it, he must be ready certainly to give it its due weight; and if it be convincing, to be determin'd by it. But if instead of that Fair, Scholar-like, and Christian Method, he be only refer'd to a Legal Court, made up in great part of Temporal Judges, and Civil Lawyers, and of Bishops only in a Legal Capacity; the World cannot expect that such Proceeding will have any Influence upon him. On the contrary, he will certainly look on all this as a sore sign that his Enemies despair of doing any thing by the way of Argument and Reasoning, since they are driven to Violence and Prosecution. He will be thereby confirm'd in his Notions, to the last degree; nay, he will undoubtedly look on this as a plain Suffering for his Conscience, his Religion, and his Christianity; and will rejoice in being so far a Confessor for the Faith of Christ. There are, I believe, none that know him, that so much as hope for any Recantation from him by this Method of Proceedings; no, not tho the Publick should proceed to Excommunicate, and Imprison, as well as Degrade him. Nor can all this have any effect for the Good of his Soul. Such Treatment may be, I confess, a great Temptation to Partiality, and Hypocrisy, and Prevarication, on one side; or to Passion, Resentment, and Discontent on the other: But what possible Advantage it can bring to their Souls, or do as to their Salvation, any otherwise than by their patient Sufferings, is not easy to tell. And indeed many others besides himself, will be ready to look upon this, in some degree, under the same Notion that we all have of a Popish Inquisition, or a Heathen Persecution, and no otherwise; and

and will encourage and assist him to undergo it with the like Christian Fortitude which all sincere Protestants and true Christians endeavour to show under such terrible Trials. Do but hear Mr. Whiston's most solemn Appeal, prepar'd for the Convocation long since, and then judge, whether it be probable, that this Prosecution, without any farther Examination, can be suppos'd to tend to his Conviction.

* Since you, says he, who are Christian Bishops and Presbyters, have refus'd to examine the Papers I have offer'd to lay before you, concerning the Original Doctrines and Books of our Christian Religion, and seem resolv'd to censure my Doctrines notwithstanding, without such Examination; I do solemnly protest against your Proceedings: and do here, in the Presence of the great God the Father, of his Only Begotten Son, of his Holy Spirit, and of the ministering Angels, who are present, and Witnesses at this Solemn Assembly, appeal from your Censure, to that awful Tribunal of Almighty God, at the great and dreadful Day of Judgment; when the Secrets of all Hearts shall be reveal'd, and all unjust Sentences revers'd. I do also solemnly here declare, that on a full Enquiry, I do verily believe the *Constitutions of the Apostles* to be the most Sacred of the Canonical Books of the New Testament; and undeniably attested to by the *Doctrine of the Apostles*, and the larger *Epistles of Ignatius*: That therefore by refusing to examine those Books, you have so far rejected and renounced Christianity it self; and must give a terrible Account at the Great Day, of such your Rejection of the same. I do moreover, with all due Reverence, Fear, and Regard to the Presence of the Searcher of all Hearts, appeal to his Divine Majesty, that I have acted uprightly and honestly in this matter; and do solemnly cite every one of you, who shall, without Examination, consent to any Censure upon my Doctrines, to the Judgment-Seat of Christ; there to give an Account of such your Proceedings. I do also humbly implore of his Divine Majesty, that if, in consequence of this Censure, any of you shall venture, so far as in you lies, to cut me off from the Communion of Christ's visible Church on Earth, for doing my Duty to my Lord and Saviour, in these most Sacred and Important Matters, he will be pleas'd still to continue me a Member of his invisible Church, whose Names are written in Heaven: That he will direct, guide, and support me in all my Doings: That he will enable me to bear this Violence and Persecution with a meek and patient Mind, and entire Resignation to his holy Will; and will still make me an Instrument of spreading his true Religion, and of hastening the coming of the Kingdom of my Blessed Lord and Saviour, Amen.

So that 'tis evident, this Prosecution can have no Success, as to what is pretended to be the *only Design* of it, I mean Mr. Whiston's Conviction; and by Consequence ought to be gone on with no farther.

(8.) This Method of Prosecution can be to no purpose as to his real Degradation and Silence, any farther than his own Conscience has made him incapable of exercising his Ministerial Function in the Establish'd Church already. Those that are acquainted with his Notions, know that he is intirely guided by the Laws in the Apostolical Constitutions,

which he owns as the principal of the Canonical Books of the New Testament; that he believes the State has properly no Power in Ecclesiastical Affairs: that even the Clergy themselves have no Power to make new Laws for Christians; but that they are singly to execute the Laws that Christ, by his Apostles and their Companions, has deliver'd to them; that no one, whether of the Clergy or Laity, are to be Censur'd, Suspended, Depriv'd, or Excommunicated but by the Bishop of every Diocess, as assisted and supported by his own Presbyters, Deacons, and People, and with their Approbation: and that only according to those Laws, without the least addition of Temporal Penalties: That therefore such a Court as this, founded wholly on the Civil Authority, and acting wholly by human Laws, without taking the least notice of the Archbishop of the Province, or of the very Bishop, Presbyters, Deacons, or People of the Diocess, has no farther than a Civil Power; can only Degrade, or Suspend, or Excommunicate, legally, and with respect to the Establish'd Church of *England*: i. e. That it can only take away all his Rights and Powers, as he is yet a Legal Member and Minister of that Church; can render him incapable of a Living, can make his Ministrations of no force in the Law, &c. but can no way affect his Spiritual State, either as a Christian or as a Clergyman, or indeed with regard to any other Societies of Christians in the World. Whence he will probably look upon himself as a Presbyter of the Christian Church still, and perhaps will act accordingly, notwithstanding any Sentence which this, or any the like Civil Court can inflict upon him. So that this Prosecution must be to little purpose on this account; because it can have no Effect upon him, as to even his real Degradation, or Silence, more than his own Conscience has already in a manner inflicted upon him: It being well known that Mr. *Whiston* would not sign the 39 Articles of the Establish'd Church any more, for the greatest Preferments in it. And the Publick may therefore be pretty secure, that he cannot act any thing considerable, as a Member of the same, to its dissatisfaction, even without a Degradation by the Court of Delegates.

(9.) This Method of Prosecution is so far from being likely to silence Mr. *Whiston*, that it is one of the most probable means to drive him, and those of his Persuasion, into an open Separation, and what the Publick will esteem a *Schism* in the Church; which tho small at first, may come to be very considerable in time. He has been very tender hitherto, of doing any thing in an unpeaceable way, or in the least, like what may be thought Disorderly or Schismatical; even tho he has been so long deny'd full Communion with the Establish'd Church. And, perhaps, if the Church would openly allow him, and those of his Persuasion to join with them, so far as their Consciences will permit, while they may publicly dissent from the rest; he and they might satisfy themselves yet longer in the Communion of the Church. But can it be expected, that if he and they be so far from the allowance of full Communion on those Terms, that he is Degraded and Excommunicated for those Notions; they will thereupon turn Heathens, and live without all Publick Worship of God among them? No certainly, I believe they are not so bad Christians, or so insensible of their religious Obligation, as to go on long in that way. So that

if there be any Intention by this procedure, to guard against a new Separation, or what will be called a Schism in the Church, this is the direct Method of procuring, instead of preventing it. Besides,

(10.) This Method of Prosecution will certainly occasion the *Spreading Mr. Whiston's Opinions*; and so those that are desirous to stop them, such as you, Sir, who are his Prosecutor, make use of the most disagreeable Means possible. I own, I cannot myself use this as an Argument for the laying aside this Prosecution; because I believe his Doctrines, at least for the main, to be true, and so cannot but wish, that so far they may become universal. Yet do I think the Prosecutors ought to consider it. Prosecution was one great means of spreading the Christian and the Protestant Religion; and what has been already done to him, has occasion'd his Case and Books to be much enquir'd after and read: Nay, I have been well inform'd, that the Convocation's Vehemence against him, procur'd him not a few of his Subscriptions for his Four Volumes; which otherwise he would have found great Difficulty to have printed. If indeed we had a Popish Inquisition, and could torture and burn any that should be judg'd Hereticks, this sort of Prosecution might have terrible Effects, and affright many from attempting to make Converts: But since the utmost the Law permits, is bare Imprisonment, under which any one may still write and print as he pleases, it ought to be consider'd, whether Papers written under Bonds and from a Prison, will not, in that Case, have rather more Influence than if the Writer were at liberty. So that it seems to me, that this Prosecution will spread his Doctrines much farther than they could be propagated without it. Nothing, for certain, can stop any such Opinions in a free Nation, as ours yet is, but a full Examination, and thorow Confutation by the Learned, instead of Courts and Sentences, according to the present Laws: at least, unless those Courts and Sentences could go to greater extremities than our Laws permit. Yet even those Methods do not always succeed: For the *Blood of the first Christians was the Seed and Multiplication of the Church*: And Bonner and Gardiner, with their Fires, burned Popery so thorowly out of England, that it will not easily be re-admitted.

(11.) This Method of Prosecution seems intirely Antichristian and Popish, and utterly unfit to be made use of in a Reformed Kingdom. I own, I am intirely of the mind of a great and good Man, when he says *, 'Such Prosecutions tend to the Reproach of the Reformed Churches; for a Tribunal to punish Men for their Belief, seems to be equally contrary to Christian Charity, whether it be constituted at Rome, or Geneva, or London; for 'tis the same Cruelty, only exercis'd in different Places, and by different Persons.' Nay, I think, Prosecution on a religious Account, one of the surest and worst Characteristicks of the Antichristian Church; and those Remains of it which are yet among us, I esteem one of the surest Signs that we are not yet got wholly clear of that State. And I cannot but think it worse, more unreasonable, and unjustifiable in Protestants, whose very Reformation stands upon free Examination, and which it self suffer'd sore Persecution for a time, than in the Papists themselves;

* Limberch. Epist. ad Locke. p. 455,

who submitting to a pretended infallible Church; and not owning the Liberty of Examination, have more Pretences for countenancing such Barbarity among them, than the others. And I hope the present Ministry will hardly think it proper to permit such a Prosecution to be carry'd on, at this time especially, since there are at present such fears of Popery, of a Popish Pretender, and a Popish Persecution. For all these Suspicions will be but increas'd by the present Prosecution: It being obvious to every one to consider, that if the Court of Delegates, all nam'd by one Person, can take the original Cognizance of Mr. *Whiston* in this Case; and can, without Appeal, determine about him so far, that the natural Consequence of it may be Imprisonment for Life: the same Court, especially if it once comes into Popish hands, may certainly do the like to any other Person in *England* also.

(12.) This Method of Prosecution, which looks to be properly for Conscience sake, will make Mr. *Whiston*, and those of his Mind, too considerable in the World, and gain them a greater Reputation than they either desire or deserve; and therefore it ought not to be gone on with. How great a Reputation may be gain'd by even a seeming Persecution for Conscience, may be guess'd by the famous Instance of Dr. *Sacheverell*: For tho he was otherwise a Person of no Character or Consideration at all, yet by appearing a sort of Confessor for the current Doctrine of the Church of *England*, as of late explain'd from some Texts of Scripture, to what a height of Reputation did he rise, and what a prodigious Noise and Buffle has he made in the World? This is so remarkable an instance, and so late a one, as ought not to be soon forgotten. Tho Religion, alas! be too little the Concern of this Nation, yet are the *English* in general, not incapable of Impression in such matters, particularly in the case where they see honest and religious Men, own'd for such by all, to be prosecuted for doing what they judg to be their Duty, as Christians, or Clergymen. And tho they may bear a few such Instances patiently, yet if they should see one pious and religious Man after another, still brought into this Court, and without any evident Cause but their Conscience, prosecuted there; they may at last be quite weary of such a Procedure, and no longer endure even a more regular Exercise of the same Power. However, if Mr. *Whiston* and his Friends, begin to be considerable and dangerous to the Publick already, as this Prosecution supposes; nothing can make them so considerable and so dangerous, as the same Method of Prosecution against them.

(13.) The Attempts to crush Mr. *Whiston* in any such way as this, have hitherto had so little Success, that it may discourage the Publick from any the like Endeavours hereafter. For give me leave to ask, What harm to his Doctrines or Reputation, did his Banishment from *Cambridge* do, even in the same University? What good to the *Athanasian* Cause, did the Convocation's Censure of some of his Opinions do? And indeed considering that Censure was voted with so great difference in each House, and with such a gross Mistake in a famous Point of Learning in both, and was endeavour'd most solicitously to be conceal'd afterward; I dare say, he looks upon that Censure as not at all to the Disadvantage of his Cause. Besides, what discredit did the Lower-House's Representation do him, even as to his Reputation?

tion? while the several Insinuations against him, therein contain'd, were so immediately disprov'd by him. Nor has any one undertaken to vindicate, either the University or the Convocation, from his severe, but, I fear, too true Histories of their Proceedings relating to him. So that to what purpose, you, Sir, should engage this Court of Delegates in a Cause, that has hitherto been to so little Advantage, I can by no means understand. Let us suppose that this Court goes through the Cause, and convicts Mr. *Whiston* of Legal Heresy; that thereupon he is, with great Pomp and Ceremony, degraded: that he is afterwards excommunicated also; and that at last, the Writ, *De Excommunicato Capiendo*, is taken out against him, and he is laid in Prison; What good will all this do to the Church or State? Whom will it convince, that he is in the wrong? or to what good purpose will such a Prosecution serve? unless it be to the greater private spreading of his Doctrines, and the greater publick Hypocrisy and Dissimulation in Mens not daring openly to own it. Which two things are indeed not unlikely to be the Consequences of it; tho I cannot but think it will deserve to be consider'd, whether they are such as the Publick will have reason to rejoice in. But,

(14.) It is probable, that it may all come to nothing, and that the Delegates may not be able, by any means, to convict Mr. *Whiston* even of Legal Heresy. The Generality indeed, who are unacquainted with the State of this Controversy, and who run away with Names only, will readily condemn him as an *Arian* Heretick; and will plead the Authority of the Council of *Nice* for his condemnation immediately. But those who consider the bottom of that Matter, and peruse his late (a) remarkable Papers on this Subject, supported by a full Collection of the Authentick Records themselves, will soon find there is no just Foundation for such a Charge; that the *Eusebians*, of whose Opinions he ever owns himself to be, were most unjustly charg'd with the *Arian* Heresy by the *Athanasians*; that on the contrary, they always disapprov'd, and sometimes anathematiz'd the same; that the Council of *Nice* is rather of his side in almost all his Articles; and that the *Athanasian* Doctrine seems rather to be Heretical, by the original Records of that Council. So that unless the Church can expect that this Court should hear nothing, but vote directly, without, or against plain Evidence and original Records, it cannot promise it self any Advantage; but rather, that it must openly clear him, and thereby recommend his Doctrines more effectually to the World. Which Consequence, tho I own I should not be sorry to see, for the sake of Truth and Christianity; yet do I not suppose it is at all aim'd at in this Prosecution, but will rather be a Motive to drop the same.

(15.) This Prosecution of Mr. *Whiston* will, in all probability, tend at last, to the Shame and Reproach of the Prosecutors, and of the Church it self; and so ought not to be gone on with. For to say nothing of his Friend's and his own noble Discovery of the Longitude at Sea, (which they are now laying before the Publick, and for which, if it succeed, the Publick cannot but highly esteem and reward them, and look very meanly on those that endeavour to crush any noble Discoveries, for the

(a) Council of *Nice* vindicated from the *Athanasian* Heresy. Scheme of the ancient Creeds.

Benefit of the Publick) I expect that this matter will tend to their Shame and Reproach on another account also ; I mean, because I believe his Doctrines will notwithstanding gain ground, and gradually prevail in the World ; and this among others, for the Reasons following. (1.) They are most agreeable to common Sense, and the Light of Nature, which the *Athanasian* are not. (2.) They are most agreeable to God's antient Revelations to the Patriarchs, and to the *Jews*, as they were ever understood till the days of *Athanasius*, which the other are not. (3.) They are most agreeable to the obvious natural Sense of Scripture, which the other are not. (4.) They are most agreeable to the obvious natural Sense of the *Ante-nicene* Fathers, which the other are not. (5.) They are generally agreeable to the Opinions of the Council of *Nice* it self, which the other are not. (6.) The really Learned and Judicious have many Years been coming nearer and nearer to these Doctrines ; and those of them that are now alive, do generally either write for, or do not write against them. (7.) The numerous Writers of Pamphlets for the Church, are so divided in their Schemes and Hypotheses, as must needs end in their Confusion. Some are in a manner profess'd Tritheists, and almost own three distinct Gods. Others are the plain Followers of the known Heretick *Sabellius*, and own three Modes only. Some are for three self-existing Beings in the same Essence ; nay, for a Communication of Self-existence it self ; while others have run into the opposite Extreme, of the very *Ebionite* or *Socinian* Heresy. Some are for a Notion between that of a real Being, and a Mode ; while others are for shutting their Eyes, and wrapping up the whole under an unintelligible Mystery. All which Divisions do certainly forebode nothing but Destruction to the common Notions. (8.) The most learned Defenders of the Church, are forc'd occasionally to make such large Concessions to Mr. *Whiston*, as utterly destroy their own Foundations. One confesses, that were it not for the Church's farther Determinations, he could be content with his Scheme. Another owns that the *Ante-nicene* Fathers most commonly speak as if they were of his Sentiments. A third owns, that the very Council of *Nice* was in the main of his Opinion. A fourth, that the *Arian* or *Eusebian* Creeds are generally very true, good, and orthodox. A fifth confesses, that no other Eternity of our Saviour, but that before his Procession, Generation, or Creation, can be defended ; and the like Concessions are made by others also. So that among them, they in a manner give up the whole Cause. (9.) The Reputation of *Athanasius* himself, is by some late Discoveries so broken, that it cannot but be a great Disgrace to the *Athanasian* Doctrine. (10.) Very few of any Consideration, whether of the Clergy or Laity, care now to defend the grand System of the common Doctrines, I mean the spurious *Athanasian* Creed ; and almost all agree, that the damnatory Sentences therein are intolerable. (11.) Not one Person, that I have heard of, has of late examin'd these Points impartially in the Scriptures and first Writers, who professes himself satisfy'd with the *Athanasian* Doctrines ; but many have own'd the contrary : Witness, among others, an honest and religious Society, who have declar'd themselves satisfy'd therein ; and the Reasons they go upon, will, I suppose, e'er long be made publick. (12.) The Progress these reviv'd Doctrines of Christianity have already made, is

visibly

isibly so great among the truly Learned, the Honest, and the Inqui-
sitive, that without pretending to Inspiration, one may foretel they
will by degrees, intirely prevail. In short, I will venture to say,
that if all who think with Mr. *Whiston*, as to the principal Points in Dis-
pute, would speak as plainly as he has done, the Publick would soon
find it too late to stop the Progress of those Doctrines; and would
not think of so reproachful a thing as a Prosecution: Nor do I be-
lieve any one that expects the *Athanasian* Doctrines will soon be ex-
cluded, would be a Prosecutor.

These, Sir, are some of the Reasons which move me to think that
the present Prosecution of Mr. *Whiston*, or of any that are of his mind,
before such a Court as that of the Delegates, ought not to be gone on
with; but that this Matter ought to be left to the Debates and Deter-
minations of the Learned; and that it may not be herein improper
for you and others, rather to hearken to the prudent Advice of *Gamaliel*
in a like Case: *Ye Men of Israel, take heed to your selves, what ye intend
to do as touching these Men; Acts v. 38.—Refrain from these Men, and let
them alone; for if this Counsel, or this Work be of Men, it will come to nought:
but if it be of God, ye cannot overthrow it; lest haply ye be found even to fight
against God, ver. 38, 39.*

P O S T S C R I P T.

SINCE the *Examiner*, in his Paper of that very day when Mr. *Whiston* was first to
appear before the Delegates, or Monday October 26. does so openly set up a Convoca-
tion of only one *English* Province for the *Judg of Controversy* in these most important
matters; and intimates a design of procuring them the Power of a supreme *Judg* in the
case of Heresy, to be exercis'd not only over Presbyters, but over Bishops themselves al-
so: I shall desire that Author, and the Publick, to read, and seriously reflect on the fol-
lowing Extract out of the publick Protestation against the Council of *Mantua* or *Trent*;
which I take to be very remarkable.

*Protestation in the Name of the King [Henry VIII.] and the whole Coun-
sel and Clergy of England, why they refuse to come to the Pope's Counsel
(first at Mantua, then at Trent) at his Call (a).*

SEEING that the Bishop of *Rome* calleth Learned Men from all Parts, conducting
them by great Rewards, making as many of them Cardinals as he thinketh most
meet and most ready to defend Frauds and Untruths; we could not but with much
anxiety, cast with our selves what so great a preperance of Wits should mean. As
chance was, we ghesse'd even as it followed. We have been so long acquainted with
Romish Subtilties, and *Popish* Deceits, that we well and easily judg'd the Bishop of
Rome to intend an Assembly of his Adherents, and Men sworn to think all his Lusts to
be Laws. We were not deceived—to come and bolster up Errors, Frauds, Deceits
and Untruths. —What availeth it to come to this Counsel, where ye shall have no
Place, except ye be known, both willing to oppress Truth, and also ready to confirm and
stablish Errors? —Is it very like that these which prole for nothing but Profit, will
right gladly pull down all such things as their Forefathers made, only for the increase
of Mony? Whereas their Forefathers, when their Honour, Power, and Primacy was
call'd into question, would, either in despite of God's Law, maintain their Dignity,
or, to say better, their intolerable Pride; Is it like, that these will not tread in their
Steps, and make naughty new Canons, whereby they may defend old evil Decrees?
Howbeit, what need we to care, either what they have done, or what they intend to do
hereafter; forasmuch as *England* hath taken her leave of *Popish* Crafts for ever; never
to be deluded with them hereafter. *Roman* Bishops have nothing to do with *English*
People: the one doth not traffique with the other: at the least, tho they will have to
do with us, yet we will have none of their Merchandize, none of their Stuff; we will
receive them of our Counsel no more: We have sought our Hurt, and bought our
Loss a great while too long. Surely their Decrees either touching things set up, or put

(a) Fox's *Act. Mon.* Vol. II. p. 372, &c.

down: shall have none other place with us than all Bishops Decrees have: otherwise we like them, we admit them; if we do not, we refuse them. But lest peradventure Men should think us to follow our Sense too much, and that we, moved by small or just Causes, forsake the Authority, Censures, Decrees, and Popish Councils; thought it best here to shew our mind to the whole World. Wherefore we protest, before God and all Men, that we subscribe, profess, and will ever to do the right and holy Doctrine of Christ: All the Articles of his Faith, no yet omitted, be all to dear unto us, that we should much sooner stand in jeopardy of our Realm, than to see any part of Christ's Religion in jeopardy with us. We protest that we never went from the Unity of his Faith; neither, that we will depart an Inch from it. No, we will much sooner lose our Lives, than any Article of our Belief shall decay in England. Which in all this Cause seek nothing but the Glory of God, the Peace and Quietness of the World, protest that we can suffer Deceivers no longer. — We will all Christian Men to be admonish'd, that we can suffer no longer, that they be esteem'd willing to take away Errors, which indeed by all the ways their Wits will serve, them go about this alone, that no Man, under pain of Death, may speak against any Error or Abuse. We would have a Council; we desire fit; *you* and leave nothing to off of God, as that we may have one. But yet we will that it be such as Christian Menought to have: that is, frank and free; where every Man, without fear, may say his Mind. We desire, that it be an holy Council; where every Man may go about to set up Godliness, and not apply all their Study to oppressing of Truth. — O Fools! O wicked Men! may we not justly call you? — Are you not wicked, which so hate Truth, that except the presently banish'd, ye will never cease to vex her? — Again, if they seem to Custom, we send them to St. Cyprian, which saith, that Custom, if Truth be not join'd with it, is nothing but *erroris Veritas*, that is, an *old Error*. Christ saith, *Ego sum via, veritas, & vita: I am the Way, the Truth and Life*: He never said, *Ego sum Consuetudo, I am the Custom*. Wherefore seeing Custom serveth you of the one side, and Scripture us on the other, are ye able to match us? — We only desire God, that *Cesar*, and other Christian Princes, would agree upon some holy Council, where Truth may be us'd, and Religion set up, which hath been the chief end of all Christian Councils. — We have also many Letters, and concerning the general Council. We think you all see, that *Paul* and his Cardinals, Bishops, Abbots, Monks, Priests, with the rest of the Rabblement, do nothing left us, less than the knowledge and reason of Truth.

Very humble Servant,

N. B. That the Reader may know truly Mr. Whiston's Notions, it is thought fit to add here a Compleat Catalogue of his Writings at the time he was cited to appear.

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